

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. 99-CR-571 MV
No. 17-CV-1255 MV/KRS

KEITH HOPSKIN,

Defendant/Movant.

ORDER

This matter is before the Court *sua sponte* in connection with Defendant/Movant Keith Hopskin's 28 U.S.C. § 2255 habeas proceeding. On December 21, 2017, Defendant/Movant initiated a § 2255 proceeding by filing a § 2255 Motion in his criminal case, No. 99-CR-571. (Doc. 61, filed in case No. 99-CR-571). Subsequently, the Government filed a Response to the § 2255 Motion and the Court entered a Proposed Findings and Recommended Disposition. *See* (Docs. 71 and 72, filed in No. 99-CR-571). These documents and others relating to Defendant/Movant's § 2255 Motion have been filed in Defendant/Movant's criminal case docket pursuant to the Court's § 2255 procedures at the time this case was initiated. However, the parties have been filing documents in civil case No. 17-CV-1255, including a Notice of Attorney Substitution for counsel for the United States. *See, e.g.*, (Doc. 7 filed in No. 17-CV-1255). The Court acknowledges its procedures for § 2255 cases were amended in 2018 and parties are now instructed to file in the civil, instead of the criminal, case dockets. However, since this case was initiated under the Court's prior procedures, an in order to maintain an accurate record, the

Court directs the parties to file in the criminal case. Counsel for the United States are therefore ordered to update their appearances in case No. 99-CR-571.

In addition, it is not clear that Defendant/Movant has provided the Court with his current address as several documents mailed to him have been returned to the Court. Under Local Civil Rule 83.6, Defendant/Movant has a continuing duty to notify the Court, in writing, of any changes to his mailing addresses. The Court will direct the Clerk to send a copy of this Order to Defendant/Movant's last known mailing address and Defendant/Movant is ordered to notify the Court of his current address by December 18, 2020 if he wishes to continue to prosecute this action. *See* D.N.M.LR-Civ. 83.6 (*pro se* parties have a continuing duty to notify the Court of their current address); *Brandenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding *pro se*, to follow the federal rules of procedure. ... The same is true of simple, nonburdensome local rules.") (citations omitted).

IT IS THEREFORE ORDERED that counsel for the United States are ordered to update their appearances in case No. 99-CR-571.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail Defendant/Movant a copy of this Order at his last known mailing address and Defendant/Movant shall update his address no later than December 18, 2020.


UNITED STATES MAGISTRATE JUDGE